THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 22133 OF 2002

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ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in keeping the admission of the petitioner into Engineering Course during the academic year 2002-2003 in the second respondent –college in abeyance as illegal.

It is stated in the affidavit filed in support of the Writ Petition, that the petitioner belongs to 'Chenchu' caste, which was recognized as Scheduled Tribe. After passing his intermediate, the petitioner appeared for EAMCET-2002 examination and treating him as ST, he was allotted admission to engineering course in the second respondent-college. It is the case of the petitioner, that though he was allotted admission, but, he was not admitted to the course on the ground that there were instructions from the respondents 1 to 3 to keep his admission in abeyance.

At the stage of admission, this Court has granted interim order. It is stated, that pursuant to the interim order passed by this Court, the petitioner is already admitted to the course and, is prosecuting studies.

Counter affidavit is filed on behalf of the first respondent, stating that the team of officers constituted by the Tribal Welfare Department to verify geniuses of the certificate produced by the petitioner seeking admission under ST category has informed vide letter dated 12-8-2002 that the social status claim of the petitioner is found to be doubtful for the following reasons:

"1.He claims to belong to Chenchu Tribe

2. The native place is not the traditional habitat of

Chenchu Tribe.

3. The applicant could not substantiate his claim with

oral evidence about his Community."

But, however, even as per the assertions made in the counter affidavit, no action has been taken on the caste certificate of the petitioner. In view of the provisions of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993, particularly in view of Section 21, a certificate once issued has to be acted upon till the same is cancelled by the competent authority. As much as the caste certificate issued to the petitioner is in force, there cannot be any valid reason to give instructions to keep his admission in abeyance. More over, the petitioner is already admitted to the engineering course pursuant to the orders of this Court and continuing his studies. In that view of the matter, I dispose of the Writ Petition, directing the respondent to allow the petitioner to prosecute his studies in the engineering course, to which he is already admitted and issue necessary certificates after completion of the course. If there is any doubt on the caste status of the petitioner, it is for the respondents to take appropriate steps, preventing him to claim benefits for future purposes.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 28-09-2005.

Msnr